

SPECIAL CITY COUNCIL MEETING

JANUARY 16, 1985

PRESENT

Grant S. Nielson
Don Dafoe
Neil Dutson
Gayle Bunker
Ruth Hansen
Craig Greathouse

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Warren Peterson
Dorothy Jeffery
Neil Forster
Rochelle Watts
John Willey
Bruce Curtis
Roland Dutson
Bryce Ashby
Mike Barney
Gary Dutson
Keith Taylor
Jim Fletcher

City Attorney
City Recorder
Public Works Director
Planning and Zoning Commission
Delta City Planning Consultant
Planning and Zoning Commission
Planning and Zoning Commission
Fire Chief
Landowner
Landowner
Attorney for Developer
KNAK Radio Station

Mayor Grant Nielson being present called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, being present acted as secretary.

Mayor Nielson stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle Progress, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

Mayor Nielson explained that this special City Council meeting was being held in conjunction with the Planning and Zoning Commission to hear a presentation by Attorney Keith Taylor of a proposed annexation.

Mayor Nielson then recognized Attorney Taylor and requested that he present the proposed annexation. Mr. Taylor introduced himself as one of the attorneys representing the L. Derral Christensen Family Trust, Keith Christensen and the Madsen Corporation, the owners of a major portion of land proposed for annexation to Delta City. Attorney Taylor displayed a map

of the proposed annexation area, which is located immediately southwest of the Delta Municipal Airport and north and east of the present city limits.

Attorney Taylor stated he had requested this joint meeting of the Delta City Planning and Zoning Commission and the Delta City Council to determine if the City officials would be interested in this type of annexation instead of first filing an annexation petition. Preparation and filing the petition would be a very costly way to find that the City officials were opposed to the project, he said.

Attorney Taylor said there are approximately 1120 acres owned by his clients in the proposed annexation area, less the 90 acres that have been deeded to Millard County for a golf course. He pointed out that this annexation, if approved, would enlarge the City limits and encompass the Delta Municipal Airport, which Delta City owns.

Mr. Taylor reported that in a meeting held approximately 4½ months ago with Mayor Nielson, City Manager Jim Allan, Council Member Neil Dutson, City Attorney Warren Peterson, Derral Christensen and Keith Taylor, the feasibility of this project was discussed, as well as many of the issues regarding the annexation. These issues included: (1) pre-zoning of the property, (2) pre-master planning, (3) required street widths, and (4) utilities needed for the project. Following this initial meeting, the developers proceeded with the preparation of a master plan to present to the City Council and the City Planning and Zoning Commission for their consideration.

Mr. Taylor said he had met with City Attorney Peterson and reviewed all of the Delta City ordinances that would have an effect on the project. He also said the developers' planner had met with the Delta City Engineer, John Quick, and reviewed the utilities requirements for the project.

Attorney Taylor stated that the developers have prepared two proposed designs. A drawing of Plan A was then presented to each of the Council members and the Planning and Zoning Committee for their review. Plan A proposes the following: 577 single family lots (a 5-acre lot subdivision with 28 lots on the southern most portion of this project has already been recorded with Millard County), including 2-acre lots around an equestrian center; ½-acre lots and ¼-acre lots surrounding the West Millard golf course. There are two proposed areas of multi-family housing which will either be apartments or condominiums. There are also areas for light industry.

Attorney Taylor then explained that the map shows aircraft access to some lots. The idea is that there are people who fly and would want their homes and private hangars together. He said this area of the project would have to comply with both Delta City and federal aviation rules for safety and other requirements.

Mr. Taylor said the developers do not propose to include highway commercial in their project. They would prefer the light industrial zone.

Traffic flow has been designed through the entire development, with one street ending at the area of a proposed 4-acre church site, elementary school and neighborhood park. That street anticipates the annexation of the Ormus Dutson family property, which is situated between the present Delta City corporate boundaries and the proposed project site. He said there has been discussion of the traffic flow from the project through the Dutson property into Highway 6; however, the Dutson property has not yet been master planned. Gil Dutson and Gary Dutson, who were both present representing the Ormus Dutson family, said they favored annexation of their property.

Attorney Taylor told the Council that, as a condition precedent to their annexation, they would want the property zoned to allow the uses as shown on their master plan. Further, they would want the master plan adopted. This would allow for the long-range development as they have planned and would prevent problems that otherwise may arise in the future. He proposed that there could not be any up-zoning or down-zoning without a meeting and agreement between the developers and Delta City.

Attorney Taylor stated the culinary water system included in the master plan would tie to the present City culinary water system. He said there is a large well on the property. There will also be a storage tank in the project. The project would also bring in the main sewer lines. He said there are two areas where the project can hook into the City sewer system. One is in the White Sage area, and the other would tie into the system at the Rancho Mobile Home park subdivision.

Attorney Taylor said there are 800 acre feet of water rights, more or less, owned by the developers.

Attorney Taylor stated the developers would dedicate 50%, or 400 acre feet, of the water rights to the City upon annexation. The water dedication proposal, a copy of which was given to City Attorney Warren Peterson on January 16, 1985, also states that the developers would gift to Delta City 25% of the well rights to be used in the manner the Council sees fit, such as for additional parks, etc. The remaining 25% would be placed in trust and if Millard County chooses to develop the second 9 holes of the golf course, the water rights would be given to them.

At this point in the meeting there was discussion regarding the present litigation involving the aforementioned water rights. Attorney Taylor informed the Council that Derral Christensen has sufficient water rights within an area that would permit transfer of water rights to this location to comply with the figures that are involved in this project. He said that any water that the developers would be dedicating to Delta City only covers the single family lots, being the 577 lots as proposed at this time. Any commercial or industrial development section would have to provide additional water dedication. Attorney Taylor told the Council he had discussed storm drainage for the project with the Delta City Engineer, and it was determined that the proposed run-off would probably be held in retention ponds within the project and allowed to percolate into the subground.

Mr. Taylor said the proposed street widths would be set at 60 feet, which would allow for good traffic flow in the smaller, less populated areas. The streets will all be paved.

He said that if IPP builds its third and fourth electrical generation units, the project could be completed in as short a time as 5 years. If IPP does not build the third and fourth units, the project could take as long as 25 years.

Attorney Taylor declared that the cost of the annexation and extension of City utilities for this project will be paid for by the developers.

Public Works Director Neil Forster asked Attorney Taylor if the project were to sell only 10 lots, which would take 2 miles of sewer lines to maintain, would the City then be responsible for the maintenance of the sewer lines after they have been installed. Attorney Taylor answered yes.

Following further discussion of the proposed annexation and project, Mayor Nielson asked the Council and Planning and Zoning Commission members to voice their opinions regarding the annexation and development project so that Attorney Taylor will be able to advise his clients as to whether they should continue with the proposed project and the master plan, or if they should discontinue plans for annexation and approach Millard County for approval of the project.

Mayor Nielson then asked each of the following individuals for their opinion of the proposed project. Council Member Gayle Bunker stated he was in favor of the project, but would like more information on it.

Council Member Neil Dutson said he was in favor of the project and felt the City would benefit from the additional tax revenue the project would generate.

Council Member Don Dafoe stated he was in favor of the project, but there were a lot of unanswered questions he wanted answered prior to any definite decision being made.

Council Member Ruth Hansen stated she was not in favor of the project and, in her opinion, Delta City had annexed all the property that would be necessary for the next 50 years.

Council Member Craig Greathouse stated he was in favor of the project and would like additional information regarding the Project Master Plan.

Mayor Nielson stated that he wanted it on record that he owned property (2 acres) that would be included in the project, and that he was in favor of the annexation.

Planning and Zoning Member Rochelle Watts stated that she was in favor of the project, but wanted it to go on record that she was the executive secretary to the Derral Christensen corporation.

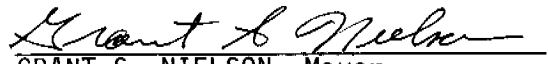
Planning and Zoning Member Bruce Taylor said he was in favor of the project, but there were many questions that he would like answered before any definite decisions were made.

Planning and Zoning Member Jim Thomas stated he was in favor of the project, but felt like it was a much larger area than was needed.

Planning and Zoning Member Roland Dutson said he was in favor of the project, but also had some questions he wanted answered and suggested additional meetings with the Delta City Council, Delta City Planning and Zoning Commission and the developers.

Following Attorney Taylor's presentation of the proposed project and annexation, there was a very lengthy discussion of the items that had been pointed out by Attorney Taylor; however, there was no Council action taken. It was the opinion of the Council that Attorney Taylor should proceed with the proposed project and keep them informed as to the progress that was being made regarding the project.

Following the discussion, Mayor Nielson asked if there were any further comments or questions regarding the annexation and proposed project. There being none, Council Member Neil Dutson MOVED the meeting be adjourned. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson called for a vote on the motion. The motion passed unanimously. The meeting adjourned at 10:05 p.m.


GRANT S. NIELSON, Mayor

Attest: 
DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: March 25, 1985